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THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPEAL BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Gregory Kowalick

Serial No: 09/552,887

Group Art Unit: 3628

Filed: April 20, 2000

Examiner: Harish T. Dass

Att. Docket No.: G1131/20001

Confirmation No.: 5005

For: BIOMETRIC GAMING ACCESS SYSTEM

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Appeal Brief is filed in response to the rejection in the Office Action dated December 29, 2004 in which claims 1-15 and 17-32 are pending and rejected under 35 U.S.C. § 103(a), applicant respectfully requests reversal of the rejections and allowance of the claims.

An Appeal Brief had been filed on September 28, 2004. However, the Examiner reopened prosecution based on the Examiner's statement that new prior art was found. The Examiner stated that the Applicant may request reinstatement of the appeal which must be accompanied by the present Supplemental Appeal Brief. No new amendments, affidavits or other evidence is permitted or is submitted herewith.

Claims 1-15 and 17-32 are pending and rejected, are the subject of this appeal, and are set forth in the Appendix attached to the Appeal Brief filed on September 28, 2004. Claim 16 is canceled and is not the subject of this appeal.

I. GROUND OF REJECTION

Claims 1-15 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,902,983 (Crevelt) (hereinafter, the Crevelt Patent) in view of U.S. Patent No. 5,802,199 (Pare et al.) (hereinafter, the Pare Patent) and U.S. Patent No. 5,960,085 (de la Huerga) (hereinafter, the de la Huerga Patent).

Claims 17-22, 24-26 and 28-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crevelt Patent in view of the Pare Patent.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Crevelt Patent and the Pare Patent, as applied to claim 17 above, and further in view of U.S. Patent Publication No. 2001/0011680 A1 (Soltesz et al.) (hereinafter the Soltesz Publication)

II. EXAMINER'S RESPONSE TO ARGUMENTS

The Examiner stated that applicant's arguments filed on August 28, 2004 with respect to the rejections of claims 17, 19-22 and 28-31 under the Crevelt Patent, claims 1-13, 14-15, 18, 25-27 and 32 under the Crevelt Patent in view of the de la Huerga Patent and claim 23 under the Crevelt Patent in view of the Soltesz Publication are withdrawn. It is assumed that the rejection

of claim 24 was also withdrawn for the same reasons. There is no longer a rejection of claims under 35 U.S.C. § 102(e)

III. ARGUMENT

A. The Examiner Erred in Rejecting Claims 1-15 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,802,199 (Pare et al.) because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player and/or the Limitation of Purging the Unique Biometric Data and the Unique Player's Account to Provide for Privacy

The Examiner first rejected claims 1-15 and 32 under 35 U.S.C. § 103(a) as being obvious over the Crevelt Patent in view of the Pare Patent. With respect to claim 1-15, this rejection should be reversed by the Board. The rejection of Claim 32 is no longer contested.

Crevelt teaches a gaming machine that accesses an electronic funds transfer (EFT) system. In Crevelt, the player inserts his or her ATM card, keys in a personal identification number (PIN), requests credits for play on gaming machines, and receives a preset amount of credits which can be converted to plays on a gaming machine. Since this patent deals with withdrawing funds via "EFT," from a players account such as a bank account, the crux of this patent is to set a limit to the preset amount of credits available for a player such that a cashless system is provided that "protects against rash decisions by some players to divert a large amount of their savings to gaming." '983 Patent at col. 2, lines 27-28.

The present invention does not provide access to a player's bank account or credit card account that could allow players to divert large amounts of their savings into gaming. In fact, the

present invention provides for a player to be entirely anonymous. Crevelt teaches away from the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, i.e., the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, this data is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col. 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

Regarding claim 1, the Examiner states that Crevelt substantially discloses the current invention but, among other things, does not disclose the limitation “storing unique biometric data created by the biometric input means in the central depository but not associating the unique biometric data with other details of identity of the player.” The Examiner states that the Pare Patent discloses, among other things, “but not associating the unique biometric data with other details of identity of the player.” Here, the Examiner cites Pare at FIGS. 2-5, 8, col 1, lines 10-54, col. 3, lines 34-43, col. 7, lines 24-42, col. 8, lines 1-43, column 9, lines 14-58, col. 10, lines

20-38, col. 19, clines C23 to L35, col. 20, lines 44 to 7, and column 22, lines 27-34. The rejection of claims 1-15 should be reversed by the Board for the reasons asserted below.

The Examiner is incorrect. With respect to claim 1, among other things, the Examiner states that Crevelt teaches does not teach the limitation of “not associating the unique biometric data with other details of identity of the player” but that the Pare patent teaches this limitation.

Combining the Pare Patent with the Crevelt Patent does not teach or suggest the present invention. The Pare Patent does not teach the limitation of “not associating the unique biometric data with other details of identity of the player.” The Pare Patent addresses use of a token to identify an individual and the financial account that he is accessing in the conventional sense.

For example, at column 3, lines 33-42, the Pare Patent states:

There is also a need for a computer system that is tokenless that is capable of verifying a user's personal identity, based solely upon a personal identification code and biometrics that is unique and physically personal to an authorized user, as opposed to verifying an individual's possession of any physical objects that can be freely transferred between different individuals. ...

Additionally, in the Summary of the Pare Patent at column 3, lines 46-50, the Pare Patent states:

The present invention satisfies these needs by providing an identification computer system that is sensitive to use or lack of use, for determining an individual's identity from comparison of previously recorded biometric samples and personal identification codes

The present invention does not provide access to player's bank account or credit card accounts that could allow players to divert large amounts of their savings into gaming as is taught

by Crevelt. In fact, the present invention provides for a player to be entirely anonymous. Crevelt teaches away from the anonymity of a player. In Crevelt, privacy of players is entirely eliminated in that actual credit card or bank account information is required, including access to, for example, social security numbers, home addresses, credit reports, and the like. In the present invention, while one aspect of personal information is required, i.e., the biometric data, this data is not associated with personal data of a user, other than the account established under that biometric data. For example, if the biometric input used in a gaming system network is an eye scan, data from the eye scan is not associated with other accounts of the users, such as bank accounts and credit card accounts (that are accessible via standard EFT as is well known). The present system does not collect such data. As stated in Crevelt at col 7, lines 51-56, EFT is described as follows:

As is known to those of skill in the art, EFT hosts are typically mainframe computers which route electronic funds transfer requests and authorization between various sales or services establishments (a casino in this instance) and remote funds depositories such [as] banks or credit unions.

It is therefore respectfully requested that the Board reverse the rejection of claim 1.

Dependent claims 2-12 and 14-15 depend from independent claim 1. For the reasons stated above, it is believed that claim 1 is allowable. It is therefore respectfully requested that the Board also reverse the rejection of dependent claims 2-12 and 14-15.

With respect to independent claim 13, the Examiner states that, among other things, Crevelt does not disclose "purging the unique biometric data and the unique player's account from the central computer after the step of paying the player any money remaining in the player's

account to provide for privacy of the player....” However, the Examiner states that Pare teaches “purging the unique biometric data and the unique player’s account from the central computer after the step of paying said player any money remaining in said player’s account, to provide for privacy of the player.” See Office Action dated December 29, 2004 at page 10, last line to page 11, line 2. Here, the Examiner cites the “entire Pare document, particularly the Abstract, figures 2-5, 8, col. 1, lines 10-54, column 3, lines 34-43, column 7, lines 24-42, column 8, lines 1-43, column 9, lines 14-58, column 10, lines 20-38, column 19, lines 23-35, column 20, lines 44-67, and column 22, lines 27-34.

Nowhere in the Pare Patent, including those locations specifically cited by the Examiner, is “purging the unique biometric data and the unique player’s account to provide for privacy” taught or suggested. In fact, the Pare Patent teaches the opposite. It is a specific goal of the Pare Patent to properly identify a user. Verifying a user’s personal identity is a goal of this system. As stated in Pare at column 8, lines 4- 8 states that “upon non-use or infrequent use, the biometric sample of individuals are purged from the local and intermediary computer databases in order to free up space, as well as increasing the speed of the searches since fewer biometric comparisons are made.” A second, master computer retains the information purged from the local computer.”

See also col. 10, lines 25 -38 (emphasis added):

the user’s biometric sample and personal identification code is not automatically removed or purged from the master computer databases 30 and 32. This frees database space on local computer database 46 as well as reduces the number of biometric comparisons the local computer comparator 34 has to perform

for making an identification result. The user's biometric sample and personal identification code, however, are stored with the master computer 10 for future identification requests made by the local computers 34 who have previously purged biometric samples and personal identification code of the user from their database, or those local computers who had never contained the biometric sample and personal identification code of that specific user on their database.

No discussion of privacy whatsoever is made. The user in Pare (and all other prior art cited by the Examiner) is not anonymous. Privacy of the user in that the user is kept entirely anonymous is not a consideration in Pare. Claim 13 is therefore allowable over the prior art of record.

It is therefore respectfully requested that the Board reverse the rejection of claim 13.

B. The Examiner Erred in Rejecting Claims 17-22, 24-26 and 28-31 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,802,199 (Pare et al.) because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player and/or the Limitation of Purging the Unique Biometric Data and the Unique Player's Account to Provide for Privacy

Claim 17 includes the language "but not associating the unique biometric data with other details of identity of the player." As discussed above, the Crevelt Patent and the Pare Patent teach away from this claim limitation. It is therefore respectfully requested that the Board reverse the Examiner's rejection of claim 17. Since claims 18-23 depend from claim 17, it is also respectfully requested that the Board withdraw the Examiner's rejection of claims 18-23.

Similarly, the Examiner rejected independent claim 24 and dependent claims 28-31, which depend from claim 24, over Crevelt in view of Pare. Again, the Examiner stated that Crevelt teaches the limitation of "not associating the unique biometric data with other details of

identity of the player..." For the reasons asserted above, the Crevelt Patent and/or the Pare Patent, alone or in combination, do not teach or suggest this feature, and, in fact, teach away from this limitation. It is therefore respectfully requested that the Board reverse the Examiner's rejection of claims 24 and 28-31.

With respect to dependent claims 25-27, these claims depend, directly or indirectly, from independent claim 24. For the reasons asserted above with respect to claim 24, it is asserted that claims 25-27 are allowable.

It is therefore respectfully requested that the Board also reverse the rejection of claims 25-27.

C. The Examiner Erred in Rejecting Claim 23 for Obviousness Over U.S. Patent No. 5,902,983 (Crevelt) in view of U.S. Patent No. 5,802,199 (Pare et al. and in Further View of U.S. Patent Publication No. 2001/0011680 A1 (Soltesz) because the Examiner Did Not Properly Consider the Limitation that the Unique Biometric Data is not Associated with other Details of Identity of the Player

The Examiner erred in rejecting claim 23 for obviousness the Crevelt Patent in view of the Pare Patent and in further view of the Soltesz Publication because the Examiner did not properly consider the limitation that the unique biometric data is not associated with other details of identity of the player. Claim 23 depends from independent claim 17. For the reasons asserted above with respect to claim 17, claim 23 is believed to be allowable. It is respectfully requested that the Board reverse the Examiner's rejection of claim 23.

D. Legal Basis for Nonobviousness Argument

As stated by the Federal Circuit,

[i]n proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. The Examiner can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

In re Fritch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992) citing In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

There is no “objective teaching” that any of the prior art cited by the Examiner, and specifically Crevelt alone or in combination with Pare, teaches or suggests the limitation of “not associating the unique biometric data with other details of identity of the player” (claims 1-12, 14-15, 18, 25-27 and 32), purging unique data (claim 13), providing a tokenless system (claim 23). Without an objective teaching, the obviousness rejection must fail. For those reasons, it is respectfully requested that the Board reverse the rejections for obviousness.

E. Other References Cited by the Examiner

U.S. Patent No. 6,119,096 (Mann et al.) and any and all other prior art references cited by the Examiner are considered by the applicant to be less relevant than those specifically cited. Specifically, Mann et al. is directed to an aircraft passenger check-in system using iris scan. Again, specific identification of an individual is desired and required here or the entire point of the system is invalid. No privacy or anonymity or purging of data is desired. Mann teaches away from the present invention.

Application No. 09/552,887
Supplemental Appeal Brief Dated March 28, 2005

IV. CONCLUSION

The claims on appeal are not obvious under 35 U.S.C. § 103. Accordingly, the Honorable Board of Patent Appeals and Interferences is respectfully requested to reverse the pending rejections and allow this application to pass on to issuance.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

March 29, 2005

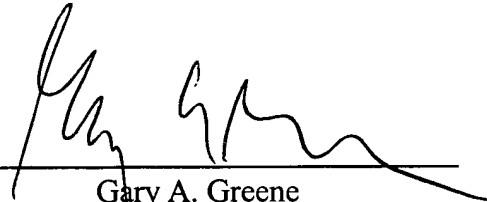
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CERTIFICATE OF MAILING

I hereby certify that the foregoing SUPPLEMENTAL APPEAL BRIEF re Application Serial No. 09/552,887 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2005.


Gary A. Greene

APPENDIX

CLAIMS

1. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central data repository;
- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
- (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;

- (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository;
- (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
- (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted; and
- (g) paying said player any money remaining in said player's account after said player no longer desires to play;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

2. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus with the player logoff means includes providing a player logoff proximity sensor.

3. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus with the player logoff means includes providing a player logoff button.
4. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step of paying said player money remaining in said player's account includes providing a payout machine having a payout biometric input means.
5. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 4, where the step of providing the payout machine includes providing a payout machine that is integral to at least one of said casino gaming apparatus.
6. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the steps including providing the registration biometric input means and the gaming apparatus biometric input means that utilize fingerprints, hand prints, retina scans, or voice prints.
7. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

8. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step including providing the payment input means includes providing a payment input means that accepts currency.

9. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step of providing the plurality of gaming apparatus includes providing slot machines and video gaming machines.

10. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, where the step of providing the plurality of gaming apparatus includes providing generic access machines.

11. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, further including the step of collecting player data related to players' use of said plurality of casino gaming apparatus to the central computer having the central data repository.

12. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 11, where the player data collected includes data concerning type of casino

gaming apparatus, quantity of casino gaming apparatus played, time spent on each casino gaming apparatus, and money spent on each casino gaming apparatus.

13. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central data repository;
- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
- (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;

- (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository;
- (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
- (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted;
- (g) paying said player any money remaining in said player's account after said player no longer desires to play; and
- (h) purging the unique biometric data and the unique player's account from the central computer after the step of paying said player any money remaining in said player's account, to provide for privacy of the player;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

14. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, including the step of providing a keypad on the biometric registration apparatus for using a PIN and wherein the step of registering a player includes entering a PIN.

15. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 1, wherein the step of providing the plurality of gaming apparatus includes providing gaming apparatus having a video screen for displaying information related to the player's unique player's account.

17. A method for cashless and tokenless access to a financial account, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central data repository;
- (b) providing a plurality of kiosks, each kiosk connected to said central computer, each kiosk having at least one kiosk biometric input means;
- (c) registering a user comprising the steps of inputting at least one biometric sample of the user into the registration biometric input means, storing unique biometric

data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, inputting into the payment input means an amount of money, and storing the amount of money input in a unique user's account in the central computer associated solely with the at least one biometric sample of the user;

- (d) identifying said user at one of said plurality of kiosks by said user entering a kiosk biometric sample input into said one of said plurality of kiosk biometric input means and comparing it to said unique biometric data stored in said central data repository;
- (e) authorizing said user at said one of said plurality of kiosks to access said unique user's account for a transaction;
- (f) debiting and or crediting said unique player's account based on the transaction;
and
- (g) paying said user any money remaining in said user's account, when said user desires to cancel said unique user's account.

18. A method for cashless and tokenless access to a financial account according to claim 17, where the steps including providing the registration biometric input means and the kiosk biometric input means that utilize fingerprints, hand prints, retina scans, or voice prints.

19. A method for cashless and tokenless access to a financial account according to claim 17, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

20. A method for cashless and tokenless access to a financial account according to claim 17 where the step including providing the payment input means includes providing a payment input means that accepts currency.

21. A method for cashless and tokenless access to a financial account according to Claim 17, including the step of purging the unique biometric data and the unique user's account from the central computer after the step of paying said user any money remaining in said user's account, to provide for privacy of the user.

22. A method for cashless and tokenless access to a financial account according to claim 17, including the step of providing a keypad on the biometric registration apparatus for using a PIN and wherein the step of registering a user includes entering a PIN.

23. A method for cashless and tokenless access to a financial account according to claim 17, wherein the step of providing the plurality of kiosks includes providing kiosks having a video screen for displaying information related to the user's unique user's account.

24. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing the plurality of gaming apparatus, each gaming apparatus connected to a central computer having a central data repository, each gaming apparatus having at least one gaming apparatus biometric input means and a money input means;
- (b) allowing a player to play on any of said gaming apparatus by inputting money into said money input means;
- (c) after the player plays on a gaming apparatus, registering said player comprising the steps of inputting at least one biometric sample of the player into the gaming apparatus biometric input means, storing unique biometric data created by the biometric input means in the central data repository but not associating the unique biometric data with other details of identity of the player, crediting to a unique player's account in the central computer an amount of money associated with the at least one biometric sample of the player;
- (d) allowing a player to play on another of said gaming apparatus by inputting money into said money input means or by accessing said unique player's account of said player by inputting said biometric sample of said player into the gaming apparatus biometric input means and comparing said biometric sample to said unique biometric data stored in said central data repository;

- (e) debiting and or crediting said unique player's account based on the player's wins and losses at said another gaming apparatus until said player logs off by exhausting his account, collecting his winnings, or until said player inputs the biometric sample of said player into said gaming apparatus biometric input means; and
- (f) comparing said biometric sample to said biometric data stored in said central data repository and crediting or debiting said unique player's account accordingly;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.

25. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of paying said player money remaining in said player's account includes providing a payout machine having a payout biometric input means.

26. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 25, where the step of providing the payout machine includes providing a payout machine that is integral to at least one of said casino gaming apparatus.

27. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the steps including providing the gaming apparatus biometric input means that utilizes fingerprints, hand prints, retina scans, or voice prints.

28. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step including providing the payment input means includes providing a payment input means that accepts credit cards, debit cards, or money access cards.

29. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step including providing the payment input means includes providing a payment input means that accepts currency.

30. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of providing the plurality of gaming apparatus includes providing slot machines and video gaming machines.

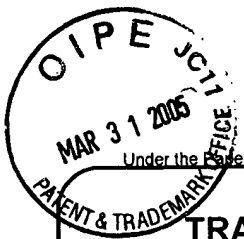
31. A method for cashless and tokenless access to a plurality of casino gaming apparatus according to claim 24, where the step of providing the plurality of gaming apparatus includes providing generic access machines.

32. A method for cashless and tokenless access to a plurality of casino gaming apparatus, said method comprising the steps of:

- (a) providing a tokenless biometric registration apparatus having at least one registration biometric input means for a user to input a biometric sample, said biometric registration apparatus having at least one payment input means, said biometric registration apparatus connected to a central computer having a central data repository;
- (b) providing the plurality of gaming apparatus, each gaming apparatus connected to said central computer, each gaming apparatus having at least one gaming apparatus biometric input means and a player logoff means;
- (c) registering a player comprising the steps of inputting at least one biometric sample of the player into the registration biometric input means, storing unique biometric data created by the biometric input means in the central data repository, inputting into the payment input means an amount of money, and storing the amount of money input in a unique player's account in the central computer associated with the at least one biometric sample of the player;
- (d) identifying said player at one of said plurality of gaming apparatus by said player entering a gaming apparatus biometric sample input into said one of said plurality of gaming apparatus biometric input means and comparing it to said unique biometric data stored in said central data repository;

- (e) authorizing said player at said one of said plurality of gaming apparatus to play on said one of said plurality of gaming apparatus;
- (f) debiting and or crediting said unique player's account based on the player's wins and losses at the gaming apparatus until said player logs off using said player logoff means or until said player's account is exhausted; and
- (g) paying said player any money remaining in said player's account after said player no longer desires to play;

whereby a player can move to another of the plurality of gaming apparatus, input a biometric sample into one of the at least one gaming apparatus biometric input means, play the gaming apparatus for a period of time, and log off the gaming apparatus, said unique player's account being credited and debited for wins and losses on the gaming apparatus.



(Substitute) PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

27

Application Number	09/552,887
Filing Date	April 20, 2000
First Named Inventor	Gregory Kowalick
Art Unit	3628
Examiner Name	Harish T. Dass
Attorney Docket Number	G1131/20001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form (In duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Supplemental Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Post Card - Request for Rein- statement of Appeal - Appendix
Remarks PLEASE CHARGE ATTORNEY ACCOUNT NO. 03-0075 AS NECESSARY TO EFFECT ENTRY AND/OR ENSURE CONSIDERATION OF THIS SUBMISSION		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., Customer No. 03000		
Signature			
Printed name	GARY A. GREENE		
Date	March 29, 2005	Reg. No.	38,897

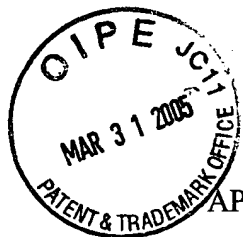
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPEAL BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Gregory Kowalick

Serial No: 09/552,887

Group Art Unit: 3628

Filed: April 20, 2000

Examiner: Harish T. Dass

Att. Docket No.: G1131/20001

Confirmation No.: 5005

For: BIOMETRIC GAMING ACCESS SYSTEM

REQUEST FOR REINSTATEMENT OF APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 29, 2004, the Examiner stated that the applicant may reinstate the Appeal of August 18, 2004. Applicant hereby requests reinstatement of the Appeal. In support of this request, Applicant submits herewith a Supplemental Appeal Brief.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

March 29, 2005


By: 

Gary A. Greene
Registration No. 38,897
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.

CERTIFICATE OF MAILING

I hereby certify that the foregoing REQUEST FOR REINSTATEMENT OF APPEAL re Application Serial No. 09/552,887 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2005.


Gary A. Greene